

EXHIBIT R

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA,
3 SAN JOSE DIVISION
4

5 PAUL THORPE, on behalf of)
6 himself and others similarly)
7 situated,)
8 Plaintiffs,)
9 vs.) No. C-07-005672 RMW
10 ABBOTT LABORATORIES, INC., a)
11 Delaware corporation, doing)
12 business in California as)
13 ABBOTT SALES, MARKETING &)
14 DISTRIBUTION CO.; and Does 1)
15 to 50, Inclusive,)
16 Defendants.)

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18 The deposition of JILL BARTH, called for
19 examination, taken before NICOLE SCOLA, CSR
20 No. 084-004524, a Notary Public within and for the
21 County of DuPage, State of Illinois, and a Certified
22 Shorthand Reporter of said state, at Suite 1720, 20
23 South Clark Street, Chicago, Illinois, on the 30th
24 day of September, A.D. 2008, at 10:02 a.m.

1 PRESENT:

2

3 GILLESPIE, ROZEN, WATSKY & JONES, P.C.,

4 (3402 Oak Grove Avenue, Suite 200,

5 Dallas, Texas 75204,

6 214-720-2009), by:

7 MR. JAMES JONES,

8 MS. EDITH K. THOMAS,

9 appeared on behalf of the Plaintiffs;

10

11 JONES DAY,

12 (77 West Wacker Drive,

13 Chicago, Illinois 60601,

14 312-782-3939), by:

15 MR. BRENT D. KNIGHT,

16 appeared on behalf of the Defendants.

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23 REPORTED BY: NICOLE M. SCOLA, CSR, RPR,

24 C.S.R. Certificate No. 84-4524.

1 Coopers & Lybrand?

2 A. Five years.

3 Q. When you left Coopers & Lybrand, where
4 did you next go to work?

10:20:16 5 A. Abbott Laboratories.

6 Q. Do you recall the year that you first
7 went to work at Abbott?

8 A. 1996.

9 Q. And have you been continuously employed
10:20:43 10 by Abbott Laboratories from 1996 to the present?

11 A. Yes.

12 Q. What is your current job at Abbott
13 Laboratories?

14 A. Are you asking for my current title?

10:20:55 15 Q. Yes.

16 A. Senior manager pricing accounting.

17 Q. And how -- for how long have you held the
18 title senior manager pricing accounting?

19 A. One year.

10:21:18 20 Q. And prior to being the senior manager
21 pricing accounting, what position did you hold at
22 Abbott Laboratories?

23 A. Manager pricing accounting.

24 Q. And for how long did you hold the title

1 A. It is separate.

2 Q. Okay. Which group or department within
3 Abbott is responsible for determining who can be a
4 wholesaler for Abbott?

10:52:15 5 A. I'm not sure.

6 Q. Which group or department within Abbott
7 is primarily responsible for maintaining relations
8 with Abbott's wholesalers?

9 A. The trade relations group.

10:52:52 10 Q. Before rebates or discounts, do all
11 Abbott wholesalers pay the same price for the same
12 product?

13 A. Yes. If they're buying case quantity.

14 Q. What would be less than case quantity?

10:54:11 15 A. An individual bottle.

16 Q. So as long as they're buying a single
17 case, whether they're buying one case or a thousand
18 cases, they will pay the exact same price for the
19 same product; is that correct?

10:54:25 20 A. Yes.

21 Q. Is there a term for that price?

22 A. What do you mean?

23 Q. I've seen it referred to in some places
24 as a wholesaler acquisition cost?